



MASTERING LEAVE TYPES

REASONS FOR LEAVE: UNDERSTANDING LEAVE TYPES

Selecting the correct reason for leave, and transitioning between leave reasons in the absence management system (AMS), are the most important steps in ensuring that we meet our obligations under FMLA and other regulations – and in making sure our reports are accurate. Below are some guidelines to assist you in entering your leaves of absence appropriately.

**REGULATED LEAVES
REASONS COVERED BY
STATE OR FEDERAL
REGULATIONS**

- Enter the Regulated Leave reason and applicable absences. Remember to print and mail the system-generated correspondence to the employee.
- Be sure to enter the medical certification information immediately upon receipt of the information and approve the leave.
- If the employee isn't eligible for the Regulated Leave, deny the leave and close the leave for reason Return to Continuous Leave. Then enter the leave under the appropriate County-defined Leave reason.

TRANSITION

- If the employee is initially eligible for a regulated leave, but then their entitlement exhausts, close the leave when it exhausts and open the remaining leave under the appropriate County-defined leave reason, beginning the day after the regulated leave exhausts.

**COUNTY-DEFINED
LEAVE REASONS**

- County-defined leave reasons such as Medical Leave of Absence, Education Leaves, Extended Military Leave, and Personal Leaves of Absence require department approval. When approved, enter the leave into AMS under the appropriate County-defined leave reason.

REASONS FOR LEAVE IN AMS

REGULATED LEAVE REASONS ▶▶▶▶ TRANSITION ▶▶▶▶ COUNTY-DEFINED LEAVE REASONS

EMPLOYEE'S OWN ILLNESS DONATION OF BLOOD OR ORGANS DONATION OF BONE MARROW	FMLA and CFRA (or other state regulations) are exhausted OR not eligible for FMLA or CFRA	MEDICAL LEAVE OF ABSENCE
PREGNANCY OR PRE-NATAL CARE	FMLA and PDL are exhausted	MEDICAL LEAVE OF ABSENCE
CHILD'S SERIOUS HEALTH CONDITION SPOUSE'S SERIOUS HEALTH CONDITION DOM PARTNER'S SERIOUS HEALTH CONDITION PARENT'S SERIOUS HEALTH CONDITION FAMILY MILITARY – INJURED SERVICE MEMBER FAMILY MILITARY – INJURED VETERAN	FMLA and CFRA (or other state regulation) are exhausted OR not eligible for FMLA or CFRA or other state regulation AND Department Approves Leave	PERSONAL LOA FOR FAMILY CARE
BONDING WITH A NEWBORN CHILD ADOPTION OF A CHILD PLACEMENT OF A CHILD FOR FOSTER CARE		PERSONAL LOA FOR BONDING
FAMILY MILITARY – MILITARY EXIGENCY		PERSONAL LOA FOR MILITARY EXIGENCY
PERSONAL PROTECTED LEAVE		PERSONAL LOA
MILITARY LEAVE	Period allowed under USERRA is exhausted	EXTENDED MILITARY LEAVE

KEYSTROKES

Getting It Right In AMS

TOOLS

Best Practices

- **ALWAYS** initially enter leaves under the regulated leave reason – even if you already know the employee isn't eligible. This is the only way we can make sure we comply with the law. This does not apply to employees already on extended absences such as long-term leaves.
- **ALWAYS** promptly mail system-generated correspondence.
- **DO** remember to transition leaves from regulated leave reasons to County-defined leave reasons when the regulatory time is exhausted.
- **USE** the task functionality within AMS to set reminders to transition leaves, or check on exhaustion as a leave progresses.



IN THE NEWS

Defense of Marriage Act (DOMA) & FMLA

DOMA Supreme Court Decision

The Supreme Court's decision in July 2013 regarding the Defense of Marriage Act (DOMA) brings new complexity to administering leaves related to spouses and family members. This may be particularly confusing, because the California Family Rights Act (CFRA) covers domestic partners, but the Federal Family and Medical Leave Act (FMLA) does not, and the DOMA decision does not address the status of Registered Domestic Partners.

Under the DOMA decision, same sex couples attain the status of "spouses" in FMLA, if they are legally married (i.e., married in a state which allows such marriages) and living in a state where same sex marriages are legal. Currently, same sex marriage are legal in CA, CT, DE, HI, IA, IL, ME, MD, MA, MN, NH, NJ, NY, RI, VT, WA, Washington DC, and among five Native American tribes. States that recognize same sex marriages as civil unions or domestic partnerships include CO, CA, HI, IL, NV, NJ, OR and WI.

Questions?

- For FMLA, CFRA or PDL, contact Silvia Quintanilla at squintanilla@hr.lacounty.gov.
- For AMS, contact AMSSupport@hr.lacounty.gov



NEW IN YOUR TOOLKIT

Download Letters & Medical Certification Forms

Under the correspondence tab in any leave of absence, there is a feature where letters can be generated. Just click on the **ADD NEW** button. The letters include the Employer Response Packet, Leave Extension Letter, Letter for Full Approval, Letter for Incomplete Paperwork, Letter for Leave Rejection, Letter for Recertification, and Return to Work Letter. You can also add your own text, such as your department's attendance policy, to the Letter for Full Approval if you want to customize it.

In addition, we have recently added a new feature in the correspondence tab that allows AMS Users to generate a blank Certification of Healthcare Provider Form. Click on the **ADD NEW** button. It is located as a blue hyperlink: [Blank Certification Form](#) under the letters that can be generated.

Same Sex Spouses and FMLA

Employees may take a leave to care for a same sex spouse under FMLA. This includes:

- Spouse's Serious Health Condition
- Family Military – Injured Service Member
- Family Military – Injured Veteran
- Family Military – Military Exigency

Documentation of Marriage. Under FMLA, the employee's statement of relationship is the only documentation required. You may not require additional documentation for same sex spouses. It's important to treat same sex married couples the same as opposite sex spouses.

IN THE NEXT TOOLKIT:



Standards for
Leave Management